

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois	}	
	}	
Petition for a Certificate of Public Convenience	}	
and Necessity, pursuant to Section 8-406.1 of	}	
the Illinois Public Utilities Act, and an Order	}	
pursuant to Section 8-503 of the Public Utilities	}	Case No.: 12-0598
Act, to Construct, Operate and Maintain a New	}	
High Voltage Electric Service Line and Related	}	
Facilities in the Counties of Adams, Brown, Cass,	}	
Champaign, Christian, Clark, Coles, Edgar,	}	
Fulton, Macon, Montgomery, Morgan, Moultrie,	}	
Pike, Sangamon, Schuyler, Scott, and Shelby,	}	
Illinois.	}	

DIRECT TESTIMONY

OF

PAUL BERGSCHNEIDER

Intervenor MSSCLPG Exhibit 1.0

1 **DIRECT TESTIMONY OF PAUL BERGSCHNEIDER**

2 **Q. PLEASE STATE YOUR NAME AND CURRENT RESIDENTIAL ADDRESS.**

3 A. Paul J. Bergschneider. 846 Franklin-Alexander Road, Franklin, Illinois 62638.

4 **Q. ARE YOU FAMILIAR WITH THE PROCEEDING IN WHICH YOU ARE**
5 **SUBMITTING THIS TESTIMONY?**

6 A. Yes, I am.

7 **Q. CAN YOU BRIEFLY DESCRIBE YOUR FAMILIARITY WITH THE**
8 **PROCEEDING IN WHICH YOU ARE SUBMITTING THIS TESTIMONY?**

9 A. Yes, I can. Illinois Commerce Commission Docket No.: 12-0598 is a proceeding initiated
10 by Ameren Transmission Company of Illinois ("ATXI"), seeking a Certificate of Public
11 Convenience and Necessity and an Order from the Commission to construct, operate, and
12 maintain a new high voltage electric service line and related facilities in the Illinois counties
13 of Adams, Brown, Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton, Macon,
14 Montgomery, Morgan, Moultrie, Pike, Sangamon, Schuyler, Scott, and Shelby. The original
15 Petition in this matter was filed on November 7, 2012. Because of some amendments to the
16 original Petition, the Administrative Law Judges in this matter ruled that the Petition should
17 be treated as if it were filed in total on January 7, 2013. I am a part of a group of intervenors
18 to this petition, collectively known as the Morgan, Sangamon, and Scott Counties Land
19 Preservation Group. Our group filed a Petition to Intervene in this matter which was granted
20 on December 31, 2012, and an Amended Petition to Intervene which was granted on March
21 1, 2013 and which reflects the composition of our group as it now exists. Our group is
22 represented by counsel and we are participating as an active party to this proceeding. I am

23 filing this testimony as a representative of the group and in accordance with the current Case
24 Management Order.

25 **Q. ARE YOU AUTHORIZED TO TESTIFY ON BEHALF OF, AND AS A**
26 **REPRESENTATIVE OF, THE MORGAN, SANGAMON, AND SCOTT COUNTIES**
27 **LAND PRESERVATION GROUP?**

28 A. Yes, I am.

29 **Q. BRIEFLY DESCRIBE THE COMPOSITION OF THE MORGAN, SANGAMON,**
30 **AND SCOTT COUNTIES LAND PRESERVATION GROUP.**

31 A. The Morgan, Sangamon, and Scott Counties Land Preservation Group is a collective of
32 eighteen (18) intervening interests to this proceeding. Each intervening interest represents
33 more than simply an individual or single parcel of land. We are a collective of what we
34 believe would otherwise represent 18 unique Petitions to Intervene in this proceeding. Our
35 group is made up of individuals, residents, landowners, farmers, and otherwise interested
36 parties, all with an interest in land along and/or upon the general path of the Project which
37 is the subject of this proceeding.

38 **Q. CAN YOU STATE AS SUCCINCTLY AS POSSIBLE WHAT OUTCOME THE**
39 **MORGAN, SANGAMON, AND SCOTT COUNTIES LAND PRESERVATION**
40 **GROUP ADVOCATES IN THIS PROCEEDING?**

41 A. Yes, I can. Quite simply, the Morgan, Sangamon, and Scott Counties Land Preservation
42 Group advocates approval of the Petition as filed with approval given to ATXI's proposed
43 Primary Route. The Morgan, Sangamon, and Scott Counties Land Preservation Group
44 opposes approval of ATXI's proposed Alternate Route.

45 **Q. CAN YOU ELABORATE AS TO THE MORGAN, SANGAMON, AND SCOTT**
46 **COUNTIES LAND PRESERVATION GROUP'S OPPOSITION OF THE**
47 **PROPOSED ALTERNATE ROUTE?**

48 A. Yes, I can. The Morgan, Sangamon, and Scott Counties Land Preservation Group
49 specifically opposes the proposed Alternate Route segment from Meredosia to Pawnee,
50 Illinois. The basis for our opposition is a desire to maintain the integrity of the primarily
51 farmland which comprises the land which is our interest. The proposed Alternate Route
52 would compromise not only the integrity and viability of the land itself, but also jeopardize
53 existing and heavily relied upon farming methods, as well as present environmental and
54 safety concerns to the area. In addition thereto, the land which is the interest of the Morgan,
55 Sangamon, and Scott Counties Land Preservation Group has been found to be quite
56 archaeologically significant. Pottery shards and a Hopewell Indian burial mound have, in
57 fact, been found directly in the path of the proposed Alternate Route. The land itself has
58 been the focus of documentation by the Illinois State Archaeological Survey (Ken
59 Farnsworth, Senior Research Editor). The proposed Alternate Route would be a clear
60 disruption of archaeologically significant land. The land proposed for the Alternate Route
61 is also affected by easements from the Panhandle Eastern Pipeline Company, LP. The
62 Panhandle Eastern Pipeline Company, LP has both a natural gas pipeline and a 12,000 acre
63 natural gas storage area that would be directly affected by the proposed Alternate Route.

64 **Q. CAN YOU GIVE A BIT OF YOUR OWN UNDERSTANDING AS IT RELATES TO**
65 **THE PROCEEDING IN WHICH YOU ARE SUBMITTING THIS TESTIMONY**
66 **AND THE LAND WHICH IS THE BASIS FOR THE INTERVENTION OF THE**

**MORGAN, SANGAMON, AND SCOTT COUNTIES LAND PRESERVATION
GROUP?**

A. Yes, I can. My wife Janie and I own, manage, and/or have a tenant relationship with quite a bit of the land included in the land of interest to our group. My wife and I believe it is clear that the proposed Primary Route, specifically along the segment from Meredosia to Pawnee, Illinois, is the better choice, for many reasons. Two of my family's homes alone, as well as my family's fourth generation family farm would be greatly affected by the proposed Alternate Route. My father has devoted his life to serving as caretaker to our family farm and much of that devotion was/is expended in the hopes that the integrity of the farm and viability of the rich farmland would be maintained, as it has been, and as it is passed along, hopefully next to a fifth generation of family caretakers. The farmland that we farm in the area of the proposed Alternate Route consists of fields that were drained over a hundred years ago. This drainage was achieved and is maintained via ditches that run along the property lines. The plan to erect power line poles along the property lines would jeopardize the drainage system as it exists, and has existed for over one hundred years. Any obstruction or bypass to the existing drainage system would cause flooding and moisture flux that could very well make profitable farming of the land untenable. We use equipment that requires wide berths and high overhead clearance. The installation of a 345 kV line upon and across these properties will make present, modern farming operations more difficult. Some of the farms which are the interest of our group are in the negotiating stages of entering long-term contracts for direct-market crops and livestock. The cloud of uncertainty that would be cast over our farms by selection of the proposed Alternate Route very well might negate any

89 hopes we have to complete these long-term agreements. The modern farming equipment we
90 use is heavily reliant upon GPS signals for precise guidance over the various fields; GPS
91 signals and accuracy could be diminished by the presence of a 345v kV line. We have great
92 concern both about the known, and unknown, effects to human inhabitants and livestock
93 from residing in close proximity to highly electromagnetic fields. We rely heavily on aerial
94 application of insecticides, fungicides, fertilizers, the efficacy and possibility of which would
95 be diminished by high overhead power lines. I performed a financial analysis of the Project,
96 using ATXI Exhibit 9.0, p. 16, and ATXI Exhibit 9.3, and found the projected return on
97 investment for this Project, especially in light of ratepayer expense, safety concerns, and
98 degradation to the environment, to be low.

99 **Q. ARE YOU FAMILIAR WITH A CERTAIN JOINT MOTION TO FILE AND ADMIT**
100 **A STIPULATION WHICH WAS FILED IN THIS PROCEEDING BY ATXI AND A**
101 **GROUP OF INTERVENORS, AND IF SO, DO YOU HAVE ANY PARTICULAR**
102 **THOUGHTS ABOUT SUCH JOINT MOTION?**

103 A. Yes, I am and I do. ATXI and another group of intervenors filed a Joint Motion to File and
104 Admit a Stipulation on March 13, 2013. Our group filed a Response thereto on March 19,
105 2013, and the Joint Motion is now pending. In essence, it appears that when faced with some
106 opposition to the proposed Primary Route for the segment from Meredosia to Pawnee,
107 Illinois, ATXI entered into negotiations with a group of intervenors who opposed the
108 proposed Primary Route for that particular segment and is now seeking to admit into the
109 record a stipulation whereby ATXI would present the originally proposed Alternate Route
110 for that particular segment as the preferred route. Our group has responded in opposition of

admission of such stipulation or, at the very least, for admission of such stipulation to be treated as an amendment to the original Petition which initiated this proceeding. The other group of intervenors in fact had previously proposed its own unique alternate route in this proceeding. That route would follow an existing 138 kV line from Meredosia to Pawnee, Illinois. The group is now abandoning this proposal as ATXI has agreed to present its originally proposed Alternate Route as its preferred route. The motivation for this Joint Motion and proposed stipulation seems quite transparent. No material circumstances changed between the time ATXI filed its initial Petition on November 7, 2012 and the date of filing of the Joint Motion, other than that ATXI was faced with opposition to its originally proposed Primary Route and chose to simply seek the path of least resistance by negotiating directly with the opposition. That is all well, good, and perfectly legal, but I will restate that no other circumstances have changed, none that would suddenly give deference to the originally proposed Alternate Route for the segment from Meredosia to Pawnee, Illinois. If no circumstances have changed, cannot we simply refer back to the language which was included in ATXI's original Petition, to wit: "[t]he proposed Primary Route represents the best combination of engineering feasibility, cost, efficiency and mitigation of impacts on surrounding areas." Nothing, circumstantially or materially, has changed since ATXI made that statement. Therefore, I think the Joint Motion, the proposed stipulation, and any mid-stream shift by ATXI to attempt to change gears and present the proposed Alternate Route for the segment from Meredosia to Pawnee, Illinois, as the preferable option should be seen as nothing but an attempt to shove a square peg into a round hole. Otherwise, can we not see the entire presentation made by ATXI's initial Petition as disingenuous? I also have to question the rationale in not selecting the use of an existing corridor (as had previously been

134 advocated by the other group of intervenors) as one of the two best options for the segment
135 from Meredosia to Pawnee, Illinois.

136 **Q. DO YOU HAVE ANY PARTICULAR THOUGHTS YOU WOULD LIKE TO ADD**
137 **AS THEY MIGHT RELATE TO THE PROPOSED PRIMARY ROUTE VERSUS**
138 **THE PROPOSED ALTERNATE ROUTE FOR THAT SEGMENT FROM**
139 **MEREDOSIA TO PAWNEE, ILLINOIS?**

140 A. Yes, I do. The proposed Primary route between Meredosia and Pawnee, Illinois, is a better
141 alternative for ATXI's proposed line. The route is 7.1 miles (ATXI Exhibit 3.4) shorter and
142 would affect less farmland, homes, and recreational land. The proposed Primary Route
143 would also cost \$17,892,011 less, using ATXI's mean data set as set forth in ATXI Exhibit
144 3.4. This would reduce the cost of the total project to the Illinois ratepayers by almost
145 \$18,000,000 during a time when budgets are very tight for private citizens and for our State
146 as a whole. The applicable statute clearly states that any approved project should represent
147 the "least-cost means" (220 ILCS 5/8-406.1). The proposed Alternate Route would seem to
148 conflict with the "least-cost means" statutory requirement. I would also offer the following
149 (from ATXI Exhibit 4.5 pages 1-4): The Alternate Route affects one cemetery, versus none
150 on the Primary Route. The Alternate Route affects two schools, versus none on the Primary
151 Route. The Alternate Route affects five archaeological sites, versus two on the Primary
152 Route. The Alternate Route would affect 208 more acres of prime farmland and 323.1 more
153 total cropland acres when compared to the Primary Route. The Alternate Route would affect
154 fifty-four more streams and ten more lakes than the Primary Route. The Alternate Route
155 would affect thirty-nine houses versus thirty-one on the Primary Route. The houses on the
156 Alternate Route are also closer on average to the lines than those on the Primary Route. In

the 0-300 feet distance from the anticipated alignment, the Alternate Route affects twenty homes versus only twelve on the Primary Route. The Alternate Route also affects fifty-four more non-residential structures than the Primary Route.

Q. CAN YOU DESCRIBE THE RELATIONSHIP YOU AND YOUR WIFE HAVE TO VARIOUS PARCELS OF LAND THAT HAVE BEEN IDENTIFIED AS OF INTEREST TO THE MORGAN, SANGAMON, AND SCOTT COUNTIES LAND PRESERVATION GROUP?

A. Yes, I can. My wife Janie and I have the following interests: Owners - 846 Franklin-Alexander Road, Franklin, IL 62638; Managers - Parcel Nos.: 15-19-300-009, 15-19-300-005, 15-19-400-001, 15-20-300-011, 15-20-200-005, 15-20-200-003, 15-20-100-002, 15-20-200-006; Tenants - Parcel Nos.: 15-21-100-001, 15-21-300-001, 15-29-200-014, 15-28-300-001, 15-29-400-002, 15-28-100-008, 15-29-200-015, 15-28-100-009.

Q. CAN YOU IDENTIFY BY NAME(S) AND ASSOCIATED PHYSICAL ADDRESS(ES) AND/OR PARCEL NUMBER(S) THE OTHER MEMBERS OF THE MORGAN, SANGAMON, AND SCOTT COUNTIES LAND PRESERVATION GROUP?

A. Yes, I can. Joseph & Barbara Bergschneider: Owners - 852 Franklin-Alexander Road, Franklin, IL 62638, Parcel No.: 15-19-300-008, Owners and Farmers - Parcel Nos.: 15-19-300-009, 15-19-300-005, 15-19-400-001, 15-20-300-011, 15-20-200-005, 15-20-200-003, 15-20-100-002, 15-20-200-006, Tenants - Parcel Nos.: 15-20-200-008, 15-20-200-009, 15-21-100-001, 15-21-300-001, 15-29-200-014, 15-28-300-001, 15-29-400-002, 15-28-100-008, 15-29-200-015, 15-28-100-009. Jeff & Peggy Bergschneider: Owners - 831 Dodsworth Rd., Parcel No.: 14-24-300-003, Co-Tenants with Scot Bergschneider - Parcel Nos.: 15-19-100-003, 15-19-200-007, 15-19-200-004. Scot Bergschneider: Owner - 795 Contrary Lane,

180 Parcel Nos.: 15-32-200-022, 15-19-400-011. Curt Willard Dodsworth: Owner - 890
181 Dodsworth Road, Parcel Nos.: 14-24-300-005, 14-24-200-004. Jan F. Caruthers - Parcel
182 No.: 26-24-100-002. John D. Bergschneider - Parcel Nos.: 15-19-100-003, 15-19-200-007,
183 19-04-100-002, 19-04-300-005. Scott & Lillian Gordley - Parcel Nos.: 15-30-400-001, 15-
184 30-200-003, 15-30-100-003, 15-30-300-001, 27-09.0-300-010, 27-09.0-400-017, 27-16.0-
185 100-004, 27-16.0-200-001, 27-16.0-200-005, 27-16.0-400-002, 27-16.0-400-003, 27-21.0-
186 100-003, 27-21.0-200-001, 27-16.0-300-005. Robert H. & Marilyn P. Bergschneider - 849
187 Contrary Lane, Waverly, IL 62692, Owner - Parcel No.: 15-19-200-004. Paula D. Harms -
188 3N967 Babson Lane, St. Charles, IL 60175 - Parcel Nos.: 15-20-200-008, 15-21-300-001,
189 15-20-400-006. Thomas J. & Helen R. Bergschneider - Owner - 734 Franklin-Alexander
190 Road, Franklin, IL 62638. Kelly Dodsworth - #4 Valevue Acres Drive. Steve Rhea - White
191 Oak Farms, L.P.: Duewer Farm - Parcel Nos.: 15-22-300-002, 15-22-300-002, Burnett Farm
192 - Parcel No.: 19-28-100-007. Robert & Marietta Worrell: Owners, 405 James Creek Lane,
193 Jacksonville, IL, Parcel Nos.: 06-24-290-002, 07-19-100-004, 07-19-100-005, 07-19-200-
194 003, 07-19-200-005, 07-18-400-004, 07-18-400-002, 07-18-400-003, 07-18-300-005, 12-21-
195 200-002, 12-21-400-001, 12-21-100-003. Rita Walsh, Linda Cline, Whitney Rhea Sutera,
196 Stephanie Rhea Soesbe, Ashley Rhea Shields, and Clinton Andrew Rhea.

197 **Q. HAVE YOU HAD AN OPPORTUNITY TO REVIEW THE DIRECT TESTIMONY**
198 **BEING FILED CONTEMPORANEOUSLY WITH YOUR OWN, ON BEHALF OF**
199 **STEVE RHEA AND KELLY DODSWORTH, AND IF SO, DO YOU HAVE ANY**
200 **PARTICULAR OPINION ABOUT THE SAME?**

201 **A.** Yes, I have and I do. I have reviewed in detail the Direct Testimony of both Steve Rhea and
202 Kelly Dodsworth. In fact, all members of our group have reviewed all of the Direct

203 Testimony that is being filed on March 29, 2013 on behalf of the Morgan, Sangamon, and
204 Scott Counties Land Preservation Group. Our group represents a unified front and we all
205 agree completely with, and support, the Direct Testimony being filed on behalf of our group.
206 In fact, if called to testify, any member of our group could attest to the Direct Testimony as
207 filed or, in the alternative, could testify in substantially the same material fashion.

208 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

209 **A. Yes, it does.**